

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30704 of 2020**

Arising Out of PS Case No.-105 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Yamuna Bind @ Jamuna Bind, aged about 35 years, Male, Son of Lal Bihari Bind, Resident of Village-Lohara, P.S.-Belaon, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Md. Anzarul Haque Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Rajani Kant Pandey, learned counsel for the petitioner and Mr. Md. Anzarul Haque Sahara, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner apprehends arrest in connection with Bhagwanpur (Belaon) PS Case No. 105 of 2020 dated 22.06.2020, instituted under Sections 147/148/149/341/323/448/307/504/506 of the Indian Penal Code.

3. The allegation against the petitioner and others is of assault on the informant side and specifically against the petitioner that he inflicted axe blow on the head of the informant resulting in injury.



4. Learned counsel for the petitioner submitted that the FIR has been lodged after 12 days of the incident which itself shows the falsity of the allegation. It was submitted that for the same incident, the father of the petitioner has lodged Bhagwanpur (Belaon) PS Case No. 94 of 2020 on 13.06.2020 itself with regard to the same incident and that too from the hospital where he was undergoing treatment. Learned counsel submitted that as a counter blast, this false case has been registered. Learned counsel drew the attention of the Court to the injury report, copy of which has been brought on record as Annexure-3 to this application, which falsifies the story of attack by axe as there is only a simple lacerated wound on the parietal region caused by hard blunt substance. Learned counsel submitted that the petitioner has no criminal antecedent and the incident occurred due to dispute relating to construction of drainage.

5. Learned APP submitted that the allegation is of assault by axe. However, he did not controvert that the injuries were simple and only lacerated wound on right parietal region of the skull.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six



weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in Bhagwanpur (Belaon) PS Case No. 105 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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